

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Docket No: Q112119
Hiroyuki NAKAMURA	
Appln. No.: 10/571,993	Group Art Unit: 3728
Confirmation No.: 5590	Examiner: PAGAN, JENINE MARIE
Filed: March 15, 2006	
For: MEDICAL TREATMENT KIT	

SUBSTITUTE AMENDMENT UNDER 37 C.F.R. § 1.111

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment Under 37 C.F.R. § 1.111 is a substitute for an Amendment Under 35 U.S.C. § 114(c) that was filed on March 26, 2009, and was fully responsive to the Office Action mailed October 6, 2008. The Amendment as filed was accompanied by a request for an RCE, However, the Office Action dated October 6, 2008 was a first Office Action after filing an RCE by previous counsel on September 3, 2009. Prosecution was not closed. Pursuant to the provisions of MPEP 706.07(h), the filing of an RCE and Amendment under 37 CFR § 114 is improper since “An applicant cannot request continued examination of an application until after prosecution in the application is closed. See 37 CFR 1.114(a).” Accordingly, the Commissioner for Patents is respectfully requested to treat the previously filed Amendment as a submission under 37 C.F.R. § 1.111 or to amend the above-identified patent application as follows:

SUBSTITUTE AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/571,993

Attorney Docket No.: Q112119

TABLE OF CONTENTS

AMENDMENTS TO THE CLAIMS	3
REMARKS.....	7